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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 228**

**SOCIAL SECURITY**

**The Personal Independence Payment  
(Supplementary Provisions and Consequential  
Amendments) Regulations (Northern Ireland) 2016**

<i>Made</i>	- - - -	<i>3rd May 2016</i>
<i>Laid before Parliament</i>		<i>10th May 2016</i>
<i>Coming into operation</i>		<i>20th June 2016</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by Article 97 of the Welfare Reform (Northern Ireland) Order 2015<sup>(1)</sup>.

Those powers are exercisable by the Secretary of State by virtue of Article 4(1)(a) of the Welfare Reform (Northern Ireland) Order 2015.

**Citation and commencement**

1. These Regulations may be cited as the Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations (Northern Ireland) 2016 and come into operation on 20th June 2016.

**PART 1**

**SUPPLEMENTARY PROVISIONS**

**Adjustment of personal independence payment where medical expenses are paid from public funds under war pensions instruments**

2.—(1) Paragraph (2) applies where a person (“P”) is provided with relevant accommodation.

(2) Subject to regulation 3, where there are payable in respect of P both a payment under Article 25B or Article 21 and personal independence payment which is attributable to the daily living component in accordance with Article 83 of the 2015 Order, the personal independence payment, in so far as it is so attributable, is to be adjusted by deducting from it the amount of the payment under Article 25B or Article 21, as the case may be, and only the balance is payable.

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(1) [S.I. 2015 No. 2006 \(N.I. 1\)](#)

(3) In paragraph (2)—

“Article 25B” means Article 25B of the Personal Injuries (Civilians) Scheme 1983(2) (medical expenses) and includes that Article as applied by Article 48B of that Scheme;

“Article 21” means Article 21 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(3) (medical expenses);

and in both this regulation and regulation 3 “relevant accommodation” means accommodation provided as necessary ancillary to nursing care where the medical expenses involved are wholly borne by the Secretary of State pursuant to Article 25B or Article 21 and “the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015.

### **Exemption from regulation 2**

**3.—**(1) Regulation 2 does not apply to P in respect of the first 28 days of any period during which the amount of any personal independence payment attributable to the daily living component in accordance with Article 83 of the 2015 Order would be liable to be adjusted by virtue of regulation 2.

(2) For the purposes of paragraph (1), two or more distinct periods separated by an interval not exceeding 28 days, or by two such intervals, are to be treated as a continuous period equal in duration to the aggregate of such distinct periods and ending on the last day of the later or last such period.

(3) For the purposes of this regulation, a “relevant day” in relation to P means a day which fell not earlier than 28 days before the first day on which P was provided with relevant accommodation and either—

- (a) was a day when P was undergoing medical treatment in a hospital or similar institution in any of the circumstances mentioned in regulation 29 of the Personal Independence Payment Regulations (Northern Ireland) 2016(4); or
- (b) was a day when P was, or would but for regulation 30 of those Regulations have been, prevented from receiving personal independence payment attributable to the daily living component by virtue of regulation 29(1) of those Regulations,

and where there is in relation to P a relevant day, paragraph (1) has effect as if for “28 days” there was substituted such lesser number of days as is produced by subtracting from 28 the number of relevant days in that case.

### **Amendment of the Disabled Persons (Badges for Motor Vehicles) Regulations**

**4.—**(1) The Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1993(5) are amended in accordance with paragraphs (2) and (3).

(2) After regulation 4(2)(f)(6) (descriptions of disabled persons) add—

“(g) receives the mobility component of personal independence payment at either the standard rate or the enhanced rate under Article 84(3) of the Welfare Reform (Northern Ireland) Order 2015 by virtue of obtaining a score of at least 8 points in relation to the “moving around” activity in an assessment carried out under the Personal Independence Payment Regulations (Northern Ireland) 2016.”.

(3) In regulation 5(b)(7) (period for which a badge issues)—

- (a) for “or (d)” substitute “, (d) or (g)”; and

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(2) [S.I. 1983/686](#); Articles 25B and 48B were inserted by Articles 6 and 11 of [S.I. 1984/1289](#) respectively and Article 25B was substituted by Article 3 of [S.I. 1999/262](#)

(3) [S.I. 2006/606](#); Article 21 was amended by Article 4 of [S.I. 2006/1455](#)

(4) [S.R. 2016 No. 217](#)

(5) [S.R. 1993 No. 202](#); relevant amending Regulations are [S.R. 2008 No. 501](#) and [S.R. 2015 No. 407](#)

(6) Regulation 4 was substituted by regulation 2(4) of [S.R. 2008 No. 501](#) and amended by regulation 2(2) of [S.R. 2015 No. 407](#)

(7) Regulation 5 was substituted by regulation 2(5) of [S.R. 2008 No. 501](#) and amended by regulation 2(3) of [S.R. 2015 No. 407](#)

- (b) in head (ii) for “or the mobility supplement” substitute “, the mobility supplement or the mobility component of personal independence payment”.

## PART 2

### CONSEQUENTIAL AMENDMENTS

#### **Amendment of the Social Security Contributions and Benefits Act**

5.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(8)</sup> is amended in accordance with paragraphs (2) to (4).

(2) For section 70(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(9)</sup> (carer’s allowance) substitute—

“(2) In this section, “severely disabled person” means a person in respect of whom there is payable—

- (a) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011<sup>(10)</sup>;
- (b) an attendance allowance;
- (c) a disability living allowance by virtue of entitlement to the care component at the highest or middle rate;
- (d) personal independence payment by virtue of entitlement to the daily living component at the standard or enhanced rate; or
- (e) such other payment out of public funds on account of his need for attendance as may be prescribed.”.

(3) In section 121(1) (interpretation of Parts I to VI and supplementary provisions), after the definition of “pensionable age”<sup>(11)</sup> insert—

““personal independence payment” means a payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015;”.

(4) In section 146(1)(bb)<sup>(12)</sup> (Christmas bonus for pensioners: interpretation), after “payment” insert “under Part 5 of the Welfare Reform (Northern Ireland) Order 2015”.

#### **Amendment of the Social Security Administration Act**

6. After section 139D of the Social Security Administration (Northern Ireland) Act 1992<sup>(13)</sup> (effect of alterations affecting universal credit) insert—

##### **“Effect of alteration of rates of personal independence payment**

139E.—(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—

- (a) an award of personal independence payment is in force in favour of any person (“the recipient”); and

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<sup>(8)</sup> 1992 c. 7

<sup>(9)</sup> Section 70(2) was amended by Article 2(2) of S.I. 2013/3233

<sup>(10)</sup> S.I. 2011/517

<sup>(11)</sup> The definition of “pensionable age” was substituted by paragraph 9(a) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

<sup>(12)</sup> Paragraph (bb) was inserted by paragraph 5 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015

<sup>(13)</sup> 1992 c. 8; section 139D was inserted by paragraph 19 of Schedule 2 to the Welfare Reform (Northern Ireland) Order 2015

(b) an alteration in the rate of any component of personal independence payment affects the amount of personal independence payment to which he is entitled.

(2) Where, as a result of the alteration, the amount of personal independence payment to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of personal independence payment in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of personal independence payment as before, the award shall continue in force accordingly.

(4) Subsection (5) applies where a statement mentioned in section 159E(4) of the Great Britain Administration Act(14) is made.

(5) If, in a case where this subsection applies, an award of personal independence payment is made in favour of a person before “the proposed commencing date” (within the meaning of section 159E(4) of the Great Britain Administration Act) and after the date on which the statement is made, the award—

(a) may provide for personal independence payment to be paid as from the proposed commencing date by reference to the rates of the component of personal independence payment which will be in force on that date; or

(b) may be expressed in terms of the rates of those components in force at the date of the award.

(6) In this section—

“alteration” means alteration by or under any enactment;

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”, in relation to personal independence payment, means the daily living component or mobility component (see Articles 83 and 84 of the Welfare Reform (Northern Ireland) Order 2015).”.

### **Amendment of the Social Security (Invalid Care Allowance) Regulations**

7. In regulation 9(2) of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(15) (conditions relating to residence and presence in Northern Ireland), for subparagraph (b) substitute—

“(b) if his absence is temporary and for the specific purpose of caring for the severely disabled person who is also absent from Northern Ireland and where any of the following is payable in respect of that disabled person for that day—

(i) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011,

(ii) attendance allowance,

(iii) the care component of disability living allowance at the highest or middle rate,

(iv) the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with Article 83(3) of the Welfare Reform (Northern Ireland) Order 2015, or

(v) a payment specified in regulation 3(1) of these Regulations.”.

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(14) 1992 c. 5; section 159E was inserted by paragraph 6 of the Schedule to S.I. 2013/388

(15) S.R. 1976 No. 99; regulation 9(2)(b) was amended by regulation 2 of S.R. 1992 No. 6 and Article 11(2) of S.I. 2013/3021

### **Amendment of the Social Security Benefit (Persons Abroad) Regulations**

**8.** In regulation 2(1A) of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(16) (modification of the Act in relation to incapacity benefit, severe disablement allowance, unemployability supplement and maternity allowance) for “or disability living allowance” substitute “, disability living allowance or personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015”.

### **Amendment of the Social Security (Overlapping Benefits) Regulations**

**9.—(1)** The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(17) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation)—

(a) before the definition of “the Act” insert—

““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;”;

(b) after the definition of “contributory benefit”(18) insert—

““the daily living component of personal independence payment” means a payment in accordance with Article 83 of the 2015 Order;”;

(c) for the definition of “the enhanced rate”(19) substitute—

““the enhanced rate” in relation to the daily living component of personal independence payment means the rate prescribed in regulation 24(1)(b) of the Personal Independence Payment Regulations (Northern Ireland) 2016;”;

(d) after the definition of “personal benefit”(20) insert—

““personal independence payment” means personal independence payment under Part 5 of the 2015 Order;”.

(3) In regulation 6 (adjustments of personal benefit under Chapters I and II of Part II of the Act by reference to industrial injuries benefits and benefits not under the Act, and adjustments of industrial injuries benefits) for paragraph (3)(21) substitute—

“(3) Paragraph (1) and Schedule 1 have effect in relation to—

(a) the following allowances and payments—

(i) armed forces independence payment up to the value of the daily living component of personal independence payment at the enhanced rate,

(ii) an attendance allowance,

(iii) the care component of disability living allowance, and

(iv) the daily living component of personal independence payment; and

(b) any benefit by reference to which an allowance or payment under sub-paragraph (a) is to be adjusted,

as requiring adjustment where both that allowance or payment and the benefit are payable in respect of the same person (whether or not one or both of them are payable to that person).”.

(16) [S.R. 1978 No. 114](#); paragraph (1A) was inserted by regulation 2(3) of [S.R. 1994 No. 45](#) and amended by regulation 11(c) of [S.R. 1995 No. 150](#) and Article 12 of [S.I. 2013/3021](#)

(17) [S.R. 1979 No. 242](#); relevant amending Rules are [S.R. 1980 No. 451](#), [S.R. 1992 No. 6](#), [S.R. 1996 No. 289](#), [S.R. 2005 No. 299](#), [S.R. 2008 No. 286](#) and [S.I. 2013/3021](#)

(18) The definition of “contributory benefit” was inserted by regulation 11(2)(b) of [S.R. 1996 No. 289](#) and amended by regulation 9(2)(b) of [S.R. 2008 No. 286](#)

(19) The definition of “the enhanced rate” was inserted by Article 13(2)(b) of [S.I. 2013/3021](#)

(20) The definition of “personal benefit” was amended by regulation 2(a) of [S.R. 1980 No. 451](#), regulation 11(2)(c) of [S.R. 1996 No. 289](#), regulation 4(a) of [S.R. 2005 No. 299](#) and regulation 9(2)(c) of [S.R. 2008 No. 286](#)

(21) Regulation 6(3) was amended by regulation 5(3) of [S.R. 1992 No. 6](#) and Article 13(3) of [S.I. 2013/3021](#)

- (4) In regulation 16(22) (persons to be treated as entitled to benefit for certain purposes)—
- (a) after “Part 1 of the Welfare Reform Act” in the first place insert “, Part 5 of the 2015 Order”; and
  - (b) after “Part 1 of the Welfare Reform Act and regulations made under it” insert “, Part 5 of the 2015 Order and regulations made under it”.
- (5) In regulation 17(23) (prevention of double adjustments) for “or Part 1 of the Welfare Reform Act”, in both places where it occurs, substitute “, Part 1 of the Welfare Reform Act or Part 5 of the 2015 Order”.
- (6) In paragraph 5 of Schedule 1 (personal benefits which are required to be adjusted by reference to benefits not under Chapters I and II of Part II of the Act)(24), in column 1 after “disability living allowance” insert “, the daily living component of personal independence payment”.

### **Amendment of the Local Elections Order**

- 10.** In Schedule 2 to the Local Elections (Northern Ireland) Order 1985(25) (absent voting - voting by post, by proxy and by post as proxy)—
- (a) at the end of paragraph 6(4)(b)(ii), omit “or”; and
  - (b) after paragraph 6(4)(b)(iii) insert—
    - “or
    - (iv) the enhanced rate of the daily living component or the enhanced rate of the mobility component (or both) of personal independence payment (payable under Articles 83(2) and 84(2) of the Welfare Reform (Northern Ireland) Order 2015),”.

### **Amendment of the Income Support (General) Regulations**

- 11.**—(1) The Income Support (General) Regulations (Northern Ireland) 1987(26) are amended in accordance with paragraphs (2) to (7).
- (2) In regulation (2)(1) (interpretation)—
- (a) after the definition of “the 1998 Order”(27) insert—
    - ““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;”;
  - (b) in the definition of “the benefit Acts”(28) for “and Part 1 of the Pensions Act (Northern Ireland) 2015” substitute “, Part 1 of the Pensions Act (Northern Ireland) 2015 and Part 5 of the 2015 Order”; and

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- (22) Regulation 16 was amended by regulation 11(6) of S.R. 1996 No. 289, regulation 9(5) of S.R. 2008 No. 286 and Article 13(4) of S.I. 2013/3021
- (23) Regulation 17 was amended by regulation 9(6) of S.R. 2008 No. 286
- (24) In column 1 paragraph 5 was substituted by Article 13(5)(b) of S.I. 2013/3021
- (25) S.I. 1985/454; Part 1 of Schedule 2 was substituted by Schedule 2 to S.I. 1987/168; paragraph 6 was amended by Article 5 of S.I. 1990/595, Article 2 of S.I. 1992/809, Article 3 of S.I. 1997/867, paragraph 7 of Schedule 2 to S.I. 2010/2977 and Article 33 of S.I. 2013/3021. Note a person who applies for an absent vote in accordance with paragraph 6 of Part 1 of Schedule 2, and whose application is granted in accordance with paragraph 1 of that Part, will also be included in the absent voters list for elections to the Northern Ireland Assembly (see the entry relating to section 7 of the Representation of the People Act 1985 (c. 20) in Schedule 1 to S.I. 2001/2599)
- (26) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 No. 146, S.R. 1990 No. 346, S.R. 1992 No. 6, S.R. 1993 No. 165, S.R. 1994 No. 327, S.R. 1995 Nos. 67 and 434, S.R. 1996 Nos. 199 and 358, S.R. 1999 No. 472 (C. 36), S.R. 2000 Nos. 74, 241 and 367, S.R. 2002 No. 323, S.R. 2003 Nos. 191 and 195, S.R. 2004 No. 213, S.R. 2005 No. 580, S.R. 2007 No. 154, S.R. 2008 Nos. 286, 428 and 498, S.R. 2009 No. 418, S.R. 2010 No. 69, S.R. 2011 Nos. 135 and 357, S.I. 2013/3021, S.R. 2014 No. 275 and S.R. 2015 No. 411
- (27) The definition of “the 1998 Order” was inserted by Article 7(3) of S.R. 1999 No. 472 (C. 36)
- (28) The definition of “the benefit Acts” was inserted by regulation 12(2)(a) of S.R. 2008 No. 286 and is amended by Article 8(2) of S.R. 2015 No. 411

(c) after the definition of “period of study”(29) insert—

““personal independence payment” means personal independence payment under Part 5 of the 2015 Order;”.

(3) In regulation 4(2)(c)(v)(aa)(30) (temporary absence from Northern Ireland) for “or the highest rate of the care component of disability living allowance” substitute “, the highest rate of the care component of disability living allowance or the enhanced rate of the daily living component of personal independence payment”.

(4) In paragraph 4 of Schedule 1B (prescribed categories of person: persons caring for another person), in head (a)(31)—

(a) in sub-head (i) for the words “or the care component” to the end substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”;

(b) in sub-head (iii) for “or a disability living allowance” substitute “, a disability living allowance or personal independence payment”; and

(c) after sub-head (iiia)(32) add—

“(iv) the person being cared for has claimed entitlement to the daily living component of personal independence payment in accordance with regulation 32 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(33) (advance claim for and award of personal independence payment), an award at the standard or enhanced rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment, or”.

(5) In Schedule 2 (applicable amounts)—

(a) in paragraph 7(2)(34) (premiums)—

(i) for “attendance allowance or” substitute “attendance allowance,”, and

(ii) after “the principal Act” insert “or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”;

(b) in paragraph 12 (additional condition for the higher pensioner and disability premiums)—

(i) in sub-paragraph(1)(a)(i)(35) after “disability living allowance,” insert “personal independence payment,”, and

(ii) in sub-paragraph (1)(d)(36)—

(29) The definition of “period of study” was substituted by regulation 3(2)(d) of S.R. 2000 No. 241

(30) Paragraph (2)(c)(v) was inserted by regulation 3 of S.R. 1988 No. 146, substituted by regulation 2(2) of S.R. 1995 No. 67 and amended by regulation 5(b) of S.R. 1996 No. 199, regulation 3(2)(b) of S.R. 2009 No. 418 and by Article 14(3) of S.I. 2013/3021

(31) Schedule 1B was inserted by regulation 22 of and Schedule 1 to S.R. 1996 No. 199 and paragraph 4(a) was amended by regulation 33 of S.R. 1996 No. 358 and Article 14(4) of S.I. 2013/3021

(32) Sub-head (iiia) was inserted by regulation 33(d) of S.R. 1996 No. 358

(33) S.R. 2016 No. 220

(34) Paragraph 7(2) was inserted by regulation 6(c)(ii) of S.R. 1990 No. 346 and amended by regulation 10(4)(a) of S.R. 1992 No. 6, paragraph 1(g) of the Schedule to S.R. 2002 No. 323 and Article 14(5)(a) of S.I. 2013/3021

(35) Sub-paragraph (1)(a)(i) was amended by regulation 30(c)(i) of S.R. 1988 No. 146, regulation 10(4)(b)(i) of S.R. 1992 No. 6, regulation 2(9)(a)(i) of S.R. 1994 No. 327, regulation 2(12)(a)(i) of S.R. 1995 No. 67, paragraph 20(b) of Schedule 1 to S.R. 2003 No. 195 and Article 14(5)(b) of S.I. 2013/3021

(36) Sub-paragraph (1)(d) was inserted by regulation 24(5)(e) of S.R. 2003 No. 191 and amended by regulation 4 of S.R. 2004 No. 213 and regulation 3(3)(b) of S.R. 2005 No. 580

- (aa) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”, and
- (bb) in sub-head (i) for “or the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992” substitute “, the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 or regulations made under Article 91(1) of the 2015 Order (hospital in-patients)”;
- (c) in paragraph 13 (severe disability premium)—
  - (i) in sub-paragraph (2)(a)(i)(**37**)—
    - (aa) for “attendance allowance or” substitute “attendance allowance,”, and
    - (bb) after “the principal Act” insert “or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
  - (ii) in sub-paragraph (2)(b)(i)(**38**)—
    - (aa) for “attendance allowance or” substitute “attendance allowance,”, and
    - (bb) after “the principal Act” insert “or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
  - (iii) in sub-paragraph (2)(b)(ii) for “such an allowance” substitute “such a payment or allowance”,
  - (iv) in sub-paragraph (3)(a)(**39**)—
    - (aa) for “attendance allowance or” substitute “attendance allowance,”, and
    - (bb) after “the principal Act” insert “or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
  - (v) after sub-paragraph (3A)(b)(**40**) add—
    - “(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order if he would, but for a suspension of benefit in accordance with regulations under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt.”, and
  - (vi) in paragraph 13A(**41**) (enhanced disability premium)—
    - (aa) omit “or” at the end of sub-paragraph (1ZA)(a), and
    - (bb) after head (b) add—
      - “or
      - (c) the daily living component of personal independence payment is, or would, but for regulations made under Article 91(1) (hospital in-patients) of the 2015 Order, be payable to that person at the enhanced rate in accordance with Article 83(2) of the 2015 Order.”;
      - and

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(37) Sub-paragraph (2)(a)(i) was amended by regulation 10(4)(c) of S.R. 1992 No. 6 and by Article 14(5)(c)(i) of S.I. 2013/3021

(38) Sub-paragraph (2)(b)(i) was amended by regulation 10(4)(c) of S.R. 1992 No. 6 and by Article 14(5)(c)(ii) of S.I. 2013/3021

(39) Sub-paragraph (3)(a) was amended by regulation 10(4)(c) of S.R. 1992 No. 6 and by Article 14(5)(c)(iii) of S.I. 2013/3021

(40) Sub-paragraph (3A) was inserted by regulation 30(d) of S.R. 1988 No. 146 and amended by regulation 10(4)(c) of S.R. 1992 No. 6, regulation 4(2)(a)(iii) of S.R. 2000 No. 74 and paragraph 1(g) of the Schedule to S.R. 2002 No. 323

(41) Paragraph 13A was inserted by regulation 2(c)(ii) of S.R. 2000 No. 367 and amended by regulation 2(7)(f) of S.R. 2007 No. 154, regulation 3(6)(a) of S.R. 2011 No. 135, regulation 7(7) of S.R. 2011 No. 357 and Article 14(5) of S.I. 2013/3021

- (d) in paragraph 14(42) (disabled child premium)—
  - (i) in sub-paragraph (1) after head (a) insert—
    - “(aa) a young person who is in receipt of personal independence payment or who would, but for regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt provided that the young person continues to be a member of the family;”;
  - (ii) in sub-paragraph (2) after “(a)” insert “, (aa)”.
- (6) In paragraph 18 of Schedule 3(43) (housing costs: non-dependant deductions)—
  - (a) omit “or” at the end of sub-paragraph (6)(b)(i)(44);
  - (b) after sub-paragraph (6)(b)(ii) add—
    - “or
    - (iii) the daily living component of personal independence payment.”; and
  - (c) in sub-paragraph (8)(a)(45) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (7) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
  - (a) in paragraph 6(46) after “allowance” insert “or the mobility component of personal independence payment”; and
  - (b) in paragraph 9(47) for “or the care component of a disability living allowance” substitute “, the care component of disability living allowance or the daily living component of personal independence payment”.

### **Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations**

- 12.—**(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(48) are amended in accordance with paragraphs (2) and (3).
- (2) In Schedule 2 (amounts to be disregarded when calculating or estimating N and M)—
  - (a) in paragraph 8(49) after “disability living allowance,” insert “personal independence payment,”; and
  - (b) in paragraph 15(50) after “Order 2011,” insert “personal independence payment”.
- (3) In Schedule 4 (cases where child support maintenance is not to be payable)—
  - (a) omit “and” at the end of paragraph (c)(51); and

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- (42) Paragraph 14 was omitted by paragraph 20(a) of Schedule 1 to [S.R. 2003 No. 195](#) except in a case where regulation 1(3) of those Regulations applies. In a case where regulation 1(3) of [S.R. 2003 No. 195](#) applies, paragraph 14 was substituted by regulation 2(7)(g) of [S.R. 2007 No. 154](#) and amended by regulation 3(6)(b) of [S.R. 2011 No. 135](#), Article 14(5)(e) of [S.I. 2013/3021](#) and regulation 2(2)(c) of [S.R. 2014 No. 275](#)
  - (43) Schedule 3 was substituted by regulation 2 of and Schedule 1 to [S.R. 1995 No. 301](#)
  - (44) Sub-paragraph (6) was amended by Article 14(6)(a) of [S.I. 2013/3021](#) and regulation 2(3) of [S.R. 2014 No. 275](#)
  - (45) Sub-paragraph (8) was amended by regulation 2(3)(j)(iii) of [S.R. 1995 No. 434](#), regulation 2(5)(e) of [S.R. 2008 No. 428](#), regulation 2(3)(e) and (7)(d) of [S.R. 2010 No. 69](#), regulation 7(5)(c) of [S.R. 2011 No. 357](#) and Article 14(6)(b) of [S.I. 2013/3021](#)
  - (46) Paragraph 6 was amended by regulation 10(6)(a) of [S.R. 1992 No. 6](#) and regulation 2(6)(b) of [S.R. 2008 No. 498](#)
  - (47) Paragraph 9 was substituted by regulation 4(5)(a) of [S.R. 1993 No. 165](#)
  - (48) [S.R. 1992 No. 341](#) was revoked with savings by regulation 15(1) of [S.R. 2001 No. 18](#); relevant amending Rules are [S.R. 1993 No. 164](#), [S.R. 1996 No. 289](#), [S.R. 2003 No. 469](#), [S.R. 2007 No. 382](#) and [S.I. 2013/3021](#)
  - (49) Paragraph 8 was substituted by Article 15(2)(a) of [S.I. 2013/3021](#)
  - (50) Paragraph 15 was amended by regulation 21(5) of [S.R. 1996 No. 289](#), regulation 3(7)(a) of [S.R. 2003 No. 469](#) and Article 15(2)(b) of [S.I. 2013/3021](#)
  - (51) Paragraph (c) was amended by regulation 5(14) of [S.R. 1993 No. 164](#), Article 3(3) of [S.R. 2007 No. 382](#) and Article 15(3)(b) of [S.I. 2013/3021](#)

(b) after paragraph (d)(52) add—

“and

(e) personal independence payment in accordance with Part 5 of the Welfare Reform (Northern Ireland) Order 2015.”.

### **Amendment of the Social Security (Incapacity Benefit) Regulations**

**13.** In regulation 25 of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(53) (person whose benefit is not to be reduced under section 30DD(1)) for “or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011” substitute “, armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 or the enhanced rate of the daily living component of personal independence payment under Article 83(2) of the Welfare Reform (Northern Ireland) Order 2015.”.

### **Amendment of the Jobseeker’s Allowance Regulations**

**14.—**(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(54) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the 1998 Order”(55) insert—

““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;”;

(b) in the definition of “the benefit Acts”(56) for “and the Pensions Act (Northern Ireland) 2015” substitute “, the Pensions Act (Northern Ireland) 2015 and Part 5 of the 2015 Order;”;

(c) after the definition of “period of study”(57) insert—

““personal independence payment” means personal independence payment under Part 5 of the 2015 Order;” and

(d) after the definition of “training allowance”(58) insert—

““the Universal Credit etc. Claims and Payments Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016;”.

(3) In regulation 51(3)(c)(59) (remunerative work)—

(a) in head (i) for “or the care component of disability living allowance at the highest or middle rate” substitute “, the care component of disability living allowance at the highest or middle rate or the daily living component of personal independence payment at the standard or enhanced rate”;

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(52) Paragraph (d) was inserted by Article 15(3)(b) of [S.I. 2013/3021](#)

(53) [S.R. 1994 No. 461](#); regulation 25 was added by regulation 2(5) of [S.R. 2000 No. 404](#) and amended by Article 16 of [S.I. 2013/3021](#)

(54) [S.R. 1996 No. 198](#); relevant amending Rules are [S.R. 1996 No. 356](#), [S.R. 1999 No. 428 \(C. 32\)](#), [S.R. 2000 Nos. 74, 242, 350 and 367](#), [S.R. 2002 Nos. 80 and 323](#), [S.R. 2003 No. 195](#), [S.R. 2007 No. 154](#), [S.R. 2008 Nos. 112, 286 and 498](#), [S.R. 2010 No. 103](#), [S.R. 2011 Nos. 135 and 291](#), [S.I. 2013/3021](#), [S.R. 2014 No. 275](#) and [S.R. 2015 No. 411](#)

(55) The definition of “the 1998 Order” was inserted by Article 9(2)(a) of [S.R. 1999 No. 428 \(C. 32\)](#)

(56) The definition of “the benefit Acts” was inserted by regulation 3(2)(a) of [S.R. 2008 No. 498](#) and is amended by Article 13(2) of [S.R. 2015 No. 411](#)

(57) The definition of “period of study” was amended by regulation 3(2)(a) of [S.R. 2000 No. 242](#)

(58) The definition of “training allowance” was amended by regulation 4(2)(b) of [S.R. 2008 No. 112](#)

(59) Regulation 51(3)(c) was amended by regulation 7(b)(iii) of [S.R. 1996 No. 356](#), paragraph 1(n) of the Schedule to [S.R. 2002 No. 323](#) and Article 17(3) of [S.I. 2013/3021](#)

- (b) in head (ii) for “or a disability living allowance” substitute “, disability living allowance or personal independence payment”; and
  - (c) after head (iv) add—
    - “or
    - (v) a person who has claimed personal independence payment and has an award of the daily living component at the standard or enhanced rate under Article 83 of the 2015 Order for a period commencing after the date on which that claim was made.”
- (4) In regulation 140(1)(h)(**60**)(meaning of “person in hardship”)—
- (a) in head (i) for “or the care component of disability living allowance at one of the 2 higher rates prescribed under section 72(4) of the Benefits Act” substitute “, the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order”;
  - (b) in head (ii) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”;
  - (c) omit “or” at the end of head (iia); and
  - (d) after head (iii) insert—
    - “or
    - (iv) has claimed personal independence payment and has an award of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order for a period commencing after the date on which that claim was made,”.
- (5) In regulation 146A(1)(e)(**61**)(meaning of “couple in hardship”)—
- (a) in head (i) for “or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act (the care component)” substitute “, the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order”;
  - (b) in head (ii) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”;
  - (c) omit “or” at the end of head (iia); and
  - (d) after head (iii) insert—
    - “or
    - (iv) has claimed personal independence payment and has an award of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order for a period commencing after the date on which that claim was made,”.
- (6) In paragraph 3(a) of Schedule A1(**62**) (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(b) of the Order)—

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(60) Regulation 140(1)(h) was amended by regulation 11(a) of [S.R. 1996 No. 356](#), Article 9(5)(i) of [S.R. 1999 No. 428 \(C. 32\)](#) and Article 17(4) of [S.I. 2013/3021](#)

(61) Regulation 146A was inserted by regulation 2(3) of [S.R. 2000 No. 350](#) and paragraph (1)(e) was amended by Article 17(5) of [S.I. 2013/3021](#)

(62) Schedule A1 was inserted by regulation 2(4) of [S.R. 2000 No. 350](#) and paragraph 3(a) was amended by Article 17(6) of [S.I. 2013/3021](#)

- (a) in head (i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act (the care component)” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”;
  - (b) in head (iv) for “or a disability living allowance” substitute “, a disability living allowance or personal independence payment”;
  - (c) omit “or” at the end of head (iv); and
  - (d) after head (v) add—
    - “or
    - (vi) the person being cared for has claimed entitlement to the daily living component of personal independence payment in accordance with regulation 32 of the Universal Credit etc. Claims and Payments Regulations (advance claim for and award of personal independence payment), an award of the standard or enhanced rate of the daily living component has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of that payment.”.
- (7) In Schedule 1 (applicable amounts)—
- (a) in paragraph 8(2)(**63**) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with Article 83(3) of the 2015 Order”;
  - (b) in paragraph 14(1)(**64**) (additional conditions for higher pensioner and disability premium) —
    - (i) after head (c) insert—
      - “(ca) the claimant or, as the case may be, his partner, is in receipt of personal independence payment or is a person whose personal independence payment is payable, in whole or in part, to another in accordance with regulation 53(2) of the Universal Credit etc. Claims and Payments Regulations (payment to another person on the claimant’s behalf);”.
    - (ii) after head (f) insert—
      - “(fa) the claimant or, as the case may be, his partner, is a person who is entitled to the mobility component of personal independence payment but to whom the component is not payable in accordance with regulation 56 of the Universal Credit etc. Claims and Payments Regulations (cases where mobility component of personal independence payment not payable);”.
    - (iii) omit “or” at the end of head (g)(i), and
    - (iv) after head (g)(ii) add—

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**(63)** Paragraph 8(2) was amended by paragraph 1(n) of the Schedule to [S.R. 2002 No. 323](#) and Article 17(7)(a) of [S.I. 2013/3021](#)  
**(64)** Paragraph 14(1) was amended by paragraph 20(b) of Schedule 2 to [S.R. 2003 No. 195](#), Article 17(7)(b) of [S.I. 2013/3021](#) and regulation 3(2)(a)(i) of [S.R. 2014 No. 275](#)

“or

(iii) entitled to personal independence payment but no amount is payable in accordance with regulations made under Article 91(1) of the 2015 Order (hospital in-patients);”;

(c) in paragraph 15 (severe disability premium)—

(i) in sub-paragraph (1)(a)(**65**) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”;

(ii) in sub-paragraph (2)(a)(**66**) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act (the “qualifying benefit”)” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act (the “qualifying benefit”) or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”;

(iii) in sub-paragraph (4)(a)(**67**) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”, and

(iv) after sub-paragraph (5)(a)(**68**) insert—

“(aa) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order if he would, but for regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt;”;

(d) in paragraph 15A(1ZA)(**69**) (enhanced disability premium)—

(i) omit “or” at the end of head (a), and

(ii) after head (b) add—

“or

(c) the daily living component of personal independence payment is, or would, but for a suspension of benefits in accordance with regulations under Article 91(1) of the 2015 Order (hospital in-patients), be payable to that person at the enhanced rate in accordance with Article 83(2) of the 2015 Order.”;

(e) in paragraph 16(**70**) (disabled child premium)—

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(65) Sub-paragraph (1)(a) was amended by Article 17(7)(c)(i) of [S.I. 2013/3021](#)

(66) Sub-paragraph (2)(a) was amended by Article 17(7)(c)(ii) of [S.I. 2013/3021](#)

(67) Sub-paragraph (4)(a) was amended by Article 17(7)(c)(iii) of [S.I. 2013/3021](#)

(68) Sub-paragraph 5 was amended by regulation 4(3)(a)(iii) of [S.R. 2000 No. 74](#)

(69) Paragraph 15A was inserted by regulation 4(c)(ii) of [S.R. 2000 No. 367](#) and sub-paragraph (1ZA) was inserted by Article 17(7)(d) of [S.I. 2013/3021](#)

(70) Paragraph 16 was omitted by paragraph 20(a) of Schedule 2 to [S.R. 2003 No. 195](#) except in a case where regulation 1(3) of those Regulations applies. In a case where regulation 1(3) of [S.R. 2003 No. 195](#) applies, paragraph 16 was substituted by

- (i) after sub-paragraph (1)(a) insert—
  - “(aa) a young person who is in receipt of personal independence payment or who would, but for regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt, provided that the young person continues to be a member of the family;”, and
- (ii) in sub-paragraph (2) after “(1)(za), (a)” insert “, (aa)”;
- (f) in paragraph 20D(2)(71) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”;
- (g) in paragraph 20H(1)(72) (additional conditions for higher pensioner and disability premium)—
  - (i) after head (c) insert—
    - “(ca) is in receipt of personal independence payment or is a person whose personal independence payment is payable, in whole or in part, to another in accordance with regulation 53(2) of the Universal Credit etc. Claims and Payments Regulations (payment to another person on the claimant’s behalf);”,
  - (ii) after head (g) insert—
    - “(ga) is a person who is entitled to the mobility component of personal independence payment but to whom the component is not payable in accordance with regulation 56 of the Universal Credit etc. Claims and Payments Regulations (cases where mobility component of personal independence payment not payable);”,
  - (iii) omit “or” at the end of head (h)(i), and
  - (iv) after head (h)(ii) insert—
    - “or
    - (iii) entitled to personal independence payment but no amount is payable in accordance with regulations under Article 91(1) of the 2015 Order (hospital in-patients);”,
- (h) in paragraph 20I(73) (severe disability premium)—
  - (i) in sub-paragraph (1)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act (the “qualifying benefit”)” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act (the “qualifying benefit”) or the daily living component of personal

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regulation 3(8)(f) of [S.R. 2007 No. 154](#) and amended by regulation 7(7)(b) of [S.R. 2011 No. 135](#), Article 17(7)(e) of [S.I. 2013/3021](#) and regulation 3(2)(c) of [S.R. 2014 No. 275](#)

(71) Paragraph 20D was inserted by paragraph 53(4) of Schedule 2 to [S.R. 2000 No. 350](#) and amended by paragraph 1(n) of the Schedule to [S.R. 2002 No. 323](#) and Article 17(7)(f) of [S.I. 2013/3021](#)

(72) Paragraph 20H was inserted by paragraph 53(4) of Schedule 2 to [S.R. 2000 No. 350](#) and amended by paragraph 20(e) of Schedule 2 to [S.R. 2003 No. 195](#), regulation 19(24)(e) of [S.R. 2008 No. 286](#), Article 17(7)(g) of [S.I. 2013/3021](#) and regulation 3(2)(d) of [S.R. 2014 No. 275](#)

(73) Paragraph 20I was inserted by paragraph 53(4) of Schedule 2 to [S.R. 2000 No. 350](#) and amended by regulation 5(4)(b) of [S.R. 2002 No. 80](#), paragraph 1(n) of the Schedule to [S.R. 2002 No. 323](#), regulation 3(8)(j) of [S.R. 2007 No. 154](#), regulation 5(3)(b) of [S.R. 2011 No. 291](#), Article 17(7)(h) of [S.I. 2013/3021](#) and regulation 3(2)(e) of [S.R. 2014 No. 275](#)

- independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
- (ii) in sub-paragraph (1)(b) for “such an allowance” substitute “such a payment or allowance”,
  - (iii) in sub-paragraph (3)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”, and
  - (iv) after sub-paragraph (4)(b) add—
    - “(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order if he would, but for regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt.”; and
- (i) in paragraph 20IA(74) (enhanced disability premium), for sub-paragraph (1) substitute—
    - “(1) Subject to sub-paragraph (2), the condition is that in respect of a member of a joint-claim couple who has not attained the qualifying age for state pension credit—
      - (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Benefits Act; or
      - (b) the daily living component of personal independence payment is, or would, but for regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be payable at the enhanced rate in accordance with Article 83(2) of the 2015 Order or armed forces independence payment is payable.”.
- (8) In paragraph 17 of Schedule 2 (housing costs: non-dependant deductions)—
- (a) at the end of sub-paragraph (6)(b)(i)(75) omit “or”;
  - (b) after sub-paragraph (6)(b)(ii) add—
    - “or
    - (iii) the daily living component of personal independence payment.”; and
  - (c) in sub-paragraph (8)(a)(76) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (9) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 7 after “disability living allowance” insert “or the mobility component of personal independence payment”; and
  - (b) in paragraph 10 for “or the care component of disability living allowance” substitute “, the care component of disability living allowance or the daily living component of personal independence payment”.

(74) Paragraph 20IA was inserted by regulation 4(c)(v) of S.R. 2000 No. 367 and amended by regulation 3(8)(k) of S.R. 2007 No. 154, regulation 5(5)(i) of S.R. 2010 No. 103 and Article 17(7)(i) of S.I. 2013/3021

(75) Sub-paragraph (6) was amended by Article 17(8)(a) and (b) of S.I. 2013/3021 and regulation 3(3) of S.R. 2014 No. 275

(76) Sub-paragraph (8)(a) was amended by Article 17(8)(c) of S.I. 2013/3021

### **Amendment of the Adoption Allowance Regulations**

**15.**—(1) The Adoption Allowance Regulations (Northern Ireland) 1996(**77**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation), after the definition of “maternity allowance” insert—

““personal independence payment” means personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015;”.

(3) In regulation 3(3)(**78**) (amount of the allowance) for “or armed forces independence payment” substitute “, armed forces independence payment or personal independence payment”.

### **Amendment of the Social Security Benefit (Computation of Earnings) Regulations**

**16.** In paragraph 8 of Schedule 2 to the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(**79**) (child care charges to be deducted in the calculation of earnings)—

(a) after head (b)(vii) add—

“(viii) personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015;”;

(b) in head (c)—

(i) after “pension” insert “, payment”,

(ii) for “or (vi)” substitute “, (vi) or (viii)”,

(iii) the words from “in consequence of his becoming a patient” to the end becomes sub-head (i), and

(iv) after that sub-head insert—

“or

(ii) in accordance with regulations made under Article 91(1) (hospital in-patients) of the Welfare Reform (Northern Ireland) Order 2015;”.

### **Amendment of the Child Support Departure Direction and Consequential Amendments Regulations**

**17.** In regulation 15 of the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996(**80**) (illness or disability)—

(a) in paragraph (3)—

(i) in sub-paragraph (b) for “the payment or either of the allowances” substitute “armed forces independence payment or a disability benefit”, and

(ii) for “the payment or allowance” substitute “armed forces independence payment or the disability benefit”;

(b) for paragraph (4) substitute—

“(4) Subject to paragraph (4A), where the Department considers that a person who has made an application in respect of special expenses falling within paragraph (1) or

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(77) S.R. 1996 No. 438; relevant amending Rule is S.I. 2013/3021

(78) Regulation 3(3) was amended by Article 3(3) of S.I. 2013/3021

(79) S.R. 1996 No. 520; paragraph 8 was amended by paragraph 5 of Schedule 2 to S.R. 2006 No. 407 and Article 18(2) of S.I. 2013/3021

(80) S.R. 1996 No. 541; regulation 15 was amended by regulation 9(6) of S.R. 1998 No. 8, regulation 3(9) of S.R. 1999 No. 167 and Article 19 of S.I. 2013/3021

his dependant may be entitled to armed forces independence payment or a disability benefit—

- (a) if that applicant or his dependant has at the date of that application, or within a period of six weeks beginning with the giving or sending to that person of notification of the possibility of entitlement to armed forces independence payment or a disability benefit, applied for armed forces independence payment or a disability benefit, the application made by that applicant shall not be determined until a decision has been made by—
  - (i) the Secretary of State on the eligibility for armed forces independence payment, or
  - (ii) the Department on the eligibility for that disability benefit, of that applicant or that dependant;
- (b) if that applicant or his dependant has failed to apply for armed forces independence payment or a disability benefit within the six week period specified in sub-paragraph (a), the Department shall determine the application for a departure direction made by that applicant on the basis that that applicant has income equivalent to the highest rate prescribed in respect of armed forces independence payment or that disability benefit by or under those provisions.”;
- (c) in paragraph (4A) for “the payment or either of the allowances referred to in paragraph (4)” substitute “armed forces independence payment or a disability benefit”; and
- (d) after paragraph (6)(c) add—
  - “(d) “disability benefit” means attendance allowance under section 64 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(81)</sup>, disability living allowance under section 71 of that Act<sup>(82)</sup> or personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015;
  - (e) “armed forces independence payment” means a payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”.

### **Amendment of the Motor Vehicles (Driving Licences) Regulations**

**18.** In regulation 6 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996<sup>(83)</sup>(minimum ages for holding or obtaining licences)—

- (a) for paragraph (3) substitute—
  - “(3) In item 5, the age of 16 is substituted for the age of 17 in the case of a small vehicle driven without a trailer attached where the driver of the vehicle is a person—
    - (a) who fulfils the requirements set out in paragraph (3A); or
    - (b) who is in receipt of personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 which includes the mobility component at the enhanced rate in pursuance of Article 84(2) of that Order.”;
- (b) after paragraph (3) insert—
  - “(3A) The requirements referred to in paragraph (3)(a) are—

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<sup>(81)</sup> Section 64 was amended by Article 63(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 ([S.I. 1999/3147 \(N.I. 11\)](#)), paragraph 38 of Schedule 1 to the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)) and paragraph 4 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015

<sup>(82)</sup> Section 71 was amended by Article 64(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999

<sup>(83)</sup> [S.R. 1996 No. 542](#); regulation 6(3) was amended by regulation 3(6)(c) of [S.R. 2012 No. 170](#)

- (a) the person has received an award of the higher rate component of the disability living allowance made in pursuance of section 73 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(84)</sup>;
- (b) the award mentioned in sub-paragraph (a) was in force immediately before the 16th birthday of that person; and
- (c) the person has made a claim for personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015.”.

### **Amendment of the Education (Student Loans) Regulations**

**19.** In paragraph 1 of Schedule 2 to the Education (Student Loans) Regulations (Northern Ireland) 1998<sup>(85)</sup> (terms of loans), in the definition of “disability related benefits” after “Social Security Contributions and Benefits (Northern Ireland) Act 1992,” insert “personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015.”.

### **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations**

**20.**—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999<sup>(86)</sup> are amended in accordance with paragraphs (2) and (3).

(2) After paragraph 3(h) of Schedule 2A<sup>(87)</sup> (date from which superseding decision takes effect where a claimant is in receipt of income support or a jobseeker’s allowance) add—

- “(i) regulations under Article 91(1) of the Welfare Reform (Northern Ireland) Order 2015 (hospital in-patients) apply, or cease to apply, to the claimant for a period of less than one week.”.

(3) In paragraph 2 of Schedule 2B<sup>(88)</sup> (date on which change of circumstances takes effect where a claimant is entitled to state pension credit)—

- (a) omit “or” at the end of sub-paragraph (b)(i);
- (b) after sub-paragraph (b)(ii) add—
  - “(iii) personal independence payment (standard or enhanced rate daily living component under Article 83 of the Welfare Reform (Northern Ireland) Order 2015); or”
- (c) in sub-paragraph (c) for “that payment or either of those allowances” substitute “any of the allowances or payments”.

### **Amendment of the Maternity and Parental Leave etc. Regulations**

**21.**—(1) The Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999<sup>(89)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) after the definition of “parental responsibility” insert—

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<sup>(84)</sup> Section 73 was amended by Article 64(3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999, section 49 of and paragraph 1(2) of Schedule 7 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and section 13 of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.))

<sup>(85)</sup> S.R. 1998 No. 58; the definition of “disability related benefits” was amended by Article 7(2) of S.I. 2013/3021

<sup>(86)</sup> S.R. 1999 No. 162; relevant amending Rules are S.R. 2000 No. 215, S.R. 2003 No. 191, S.R. 2006 No. 365, S.R. 2013 No. 67 and S.I. 2013/3021

<sup>(87)</sup> Schedule 2A was inserted by regulation 6(22) of, and Schedule 1 to, S.R. 2000 No. 215 and paragraph 3(h) was added by regulation 3(3) of S.R. 2006 No. 365

<sup>(88)</sup> Schedule 2B was inserted by regulation 22 of S.R. 2003 No. 191 and paragraph 2 was substituted by regulation 4(a) of S.R. 2013 No. 67 and amended by Article 20 of S.I. 2013/3021

<sup>(89)</sup> S.R. 1999 No. 471; relevant amending Rule is S.I. 2013/3021

““personal independence payment” means personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015;”.

(3) In paragraph 7 of Schedule 2(90) (default provisions in respect of parental leave) for “or armed forces independence payment” substitute “, armed forces independence payment or personal independence payment”.

### **Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations**

**22.**—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000(91) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(3)(92) (interpretation) after the definition of “income-related employment and support allowance” add—

““personal independence payment” means personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015.”.

(3) In regulation 2 (persons not excluded from specified benefits under section 115 of the Act)—

(a) in paragraph (2)(93) after “Contributions and Benefits Act” insert “or personal independence payment”; and

(b) in paragraph (3) after “Contributions and Benefits Act” insert “or personal independence payment”.

(4) In the heading to Part II of the Schedule(94) (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999) after “disability living allowance,” insert “personal independence payment,”.

### **Amendment of the Child Support (Variations) Regulations**

**23.** In regulation 11 of the Child Support (Variations) Regulations (Northern Ireland) 2001(95) (special expenses - illness or disability of relevant other child)—

(a) in paragraph (2)(a)—

(i) in head (i) after “disability living allowance” insert “, personal independence payment”,

(ii) at the end of head (ii) omit “or”,

(iii) after head (iii) insert—

“or

(iv) he would receive personal independence payment but for regulations under Article 91(1) of the Welfare Reform (Northern Ireland) Order 2015 (hospital in-patients) and he remains part of the applicant’s family;”, and

(iv) after the definition of “disability living allowance” insert—

“(iia) “personal independence payment” means an allowance payable under Article 83 of the Welfare Reform (Northern Ireland) Order 2015 (daily living component);”, and

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(90) Paragraph 7 was amended by Article 5(5)(b) of S.I. 2013/3021

(91) S.R. 2000 No. 71; relevant amending Rules are S.R. 2002 No. 323, S.R. 2008 No. 286, S.I. 2008/3108 and S.R. 2013 No. 167

(92) Regulation 1(3) was amended by regulation 23(2) of S.R. 2008 No. 286

(93) Regulation 2(2) was amended by paragraph 1(s) of the Schedule to S.R. 2002 No. 323

(94) Part II of the Schedule was amended by paragraph 1(s) of the Schedule to S.R. 2002 No. 323, regulation 9(3) of S.I. 2008/3108 and regulation 8 of S.R. 2013 No. 167

(95) S.R. 2001 No. 20; regulation 11 was amended by regulation 8(3) of S.R. 2005 No. 125 and Article 21(2) of S.I. 2013/3021

(b) for paragraph (3) substitute—

“(3) Where, at the date on which the non-resident parent makes the variation application—

(a) he or a member of his household has received, or at that date is in receipt of, or where he or the member of his household will receive any financial assistance from any source in respect of the long-term illness or disability of the relevant other child; or

(b) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, a disability living allowance or personal independence payment is received by the non-resident parent or the member of his household on behalf of the relevant other child,

only the net amount of the costs incurred in respect of the items listed in paragraph (1), after the deduction of the financial assistance or the amount of the payment or allowance, shall constitute special expenses for the purposes of paragraph 2(2) of Schedule 4B to the Order.”.

#### **Amendment of the Tax Credits (Claims and Notifications) Regulations**

**24.** In regulation 2 of the Tax Credits (Claims and Notifications) Regulations 2002<sup>(96)</sup> (interpretation), in the definition of “personal independence payment”, after “2012” insert “or Part 5 of the Welfare Reform (Northern Ireland) Order 2015”.

#### **Amendment of the State Pension Credit Regulations**

**25.—**(1) The State Pension Credit Regulations (Northern Ireland) 2003<sup>(97)</sup> are amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the 1972 Order” insert—

““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;”;

and

(b) after the definition of “pension fund holder”<sup>(98)</sup> insert—

““personal independence payment” means personal independence payment under Part 5 of the 2015 Order;”.

(3) In regulation 15(1) (income for the purposes of the Act) after sub-paragraph (aa)<sup>(99)</sup> insert—

“(ab) personal independence payment;”.

(4) In Schedule 1—

(a) in paragraph 1<sup>(100)</sup>(severe disablement)—

(i) in sub-paragraph (1)(a)(i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3)

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<sup>(96)</sup> S.I. 2002/2014; the definition of “personal independence payment” was inserted by paragraph 31(2) of the Schedule to S.I. 2013/388

<sup>(97)</sup> S.R. 2003 No. 28; relevant amending Rules are S.R. 2005 No. 580, S.R. 2006 Nos. 97 and 128, S.R. 2007 Nos. 154 and 396, S.R. 2008 No. 286, S.I. 2013/3021 and S.R. 2014 No. 275

<sup>(98)</sup> The definition of “pension fund holder” was amended by regulation 8(2) of S.R. 2007 No. 396

<sup>(99)</sup> Sub-paragraph (aa) was inserted by Article 23(3) of S.I. 2013/3021

<sup>(100)</sup> Paragraph 1 was amended by regulation 4 of S.R. 2007 No.154, Article 23(4)(a) of S.I. 2013/3021 and regulation 4(2)(a) of S.R. 2014 No. 275

- of the Contributions and Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
- (ii) in sub-paragraph (1)(b)(i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
  - (iii) in sub-paragraph (1)(c)(i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
  - (iv) in sub-paragraph (2)(a) for “or, as the case may be, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”, and
  - (v) after sub-paragraph (2)(b) insert—
    - “(ba) for the purposes of sub-paragraph (1)(b) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order if he would, but for regulations made under Article 91(1) of that Order (hospital in-patients), be so in receipt;” and
  - (b) in paragraph 2(2)(a)(**101**) (persons residing with the claimant whose presence is ignored) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”.
- (5) In Schedule 2 (housing costs)—
- (a) in paragraph 1(2) (housing costs) in paragraph (b)(ia) of the definition of “disabled person”(**102**) at the start insert “is a person in respect of whom personal independence payment is payable or would be payable but for regulations under Article 91(1) of the 2015 Order (hospital in-patients) or”; and
  - (b) in paragraph 14 (persons residing with the claimant)—
    - (i) in sub-paragraph (6)(b)(**103**)—

(101) Paragraph 2 was amended by regulation 5(3) of [S.R. 2006 No. 128](#), Article 23(4) of [S.I. 2013/3021](#) and regulation 4(2)(b) of [S.R. 2014 No. 275](#)

(102) The definition of “disabled person” was amended by regulation 7(4)(a) of [S.R. 2005 No. 580](#), regulation 5(4)(a) of [S.R. 2006 No. 97](#), regulation 5(4)(a) of [S.R. 2006 No. 128](#), regulation 30(8)(a)(i) of [S.R. 2008 No. 286](#), Article 23(5) of [S.I. 2013/3021](#) and regulation 4(3)(a) of [S.R. 2014 No. 275](#)

(103) Paragraph 14(6)(b) was amended by Article 23(5)(b) and (c) of [S.I. 2013/3021](#)

(aa) omit “or” after sub-head (i), and

(bb) after sub-head (ii) add—

“or

(iii) the daily living component of personal independence payment.”, and

(ii) in sub-paragraph (8)(a)(**104**) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.

(6) In paragraph 1(9)(**105**) of Schedule 3 (special groups: polygamous marriages) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”.

(7) After paragraph 20(2)(ba)(**106**) of Schedule 5 (income from capital) insert—

“(bb) personal independence payment;”.

(8) In paragraph 4(1)(a) of Schedule 6 (sums disregarded from claimant’s earnings)—

(a) omit “or” at the end of sub-head (vii)(**107**); and

(b) after sub-head (vii) add—

“(viii) personal independence payment; or”.

### **Amendment of the Housing Renewal Grants (Reduction of Grant) Regulations**

**26.**—(1) The Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(**108**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1)(**109**) (interpretation)—

(a) after the definition of “pensionable age” insert—

““personal independence payment” means personal independence payment under Part 5 of the 2015 Order;”; and

(b) after the definition of “the 1992 Act” insert—

““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;”.

(3) In regulation 20(**110**) (treatment of child care charges)—

(a) after paragraph (3)(d)(vii) add—

“(viii) personal independence payment;”;

(b) omit “or” at the end of paragraph (3)(f);

(c) after paragraph (3)(g) add—

“or

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(**104**) Sub-paragraph (8)(a) was amended by Article 23(5)(d) of S.I. 2013/3021

(**105**) Paragraph 1(9) was amended by Article 23(6) of S.I. 2013/3021

(**106**) Sub-paragraph (2)(ba) was inserted by Article 23(7) of S.I. 2013/3021

(**107**) Sub-head (vii) was added by regulation 30(10)(a)(ii) of S.R. 2008 No. 286

(**108**) S.R. 2004 No. 8; relevant amending Rules are S.R. 2005 No. 520, S.R. 2006 Nos. 407 and 452, S.R. 2007 No. 382, S.I. 2013/3021 and S.R. 2015 No. 411

(**109**) Regulation 2(1) was amended by paragraph 19 of the Schedule to S.R. 2005 No. 520, paragraph 12(2)(b) of Schedule 2 to S.R. 2006 No. 407, regulation 5 of S.R. 2006 No. 452, regulation 6(2) of S.R. 2007 No. 382 and Article 24(2) of S.I. 2013/3021

(**110**) Regulation 20 was amended by regulation 14 of S.R. 2006 No. 452 and Article 24(3) of S.I. 2013/3021

- (h) personal independence payment would be payable but for regulations under Article 90 (care home residents) or Article 91(1) (hospital in-patients) of the 2015 Order.”;
- and
- (d) after paragraph (8)(b)(iv) add—
  - “(v) in respect of whom personal independence payment is payable, or would, but for regulations made under Article 90 (care home residents) or Article 91(1) (hospital in-patients) of the 2015 Order, be payable.”.
- (4) In Schedule 1(**111**) (applicable amounts)—
  - (a) in paragraph 12 (additional condition for the higher pensioner and disability premiums) after sub-paragraph (1)(a)(v) insert—
    - “(vi) is in receipt of personal independence payment or would, but for regulations made under Article 90 (care home residents) or Article 91(1) (hospital in-patients) of the 2015 Order, be so in receipt; or”;
  - (b) in paragraph 13 (severe disability premium)—
    - (i) in sub-paragraph (2)(a)(i) for “or the care component of a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with Article 83(3) of the 2015 Order”;
    - (ii) in sub-paragraph (2)(b)(i) for “or the care component of a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with Article 83(3) of the 2015 Order”;
    - (iii) after sub-paragraph (4)(b) add—
      - “or
      - (c) the daily living component of personal independence payment if he would, but for regulations made under Article 90 (care home residents) or Article 91(1) (hospital in-patients) of the 2015 Order, be so in receipt.”;
      - (iv) in sub-paragraph (5) omit “either”;
      - (v) in sub-paragraph (5)(a) omit “or” at the end, and
      - (vi) after sub-paragraph (5)(b) add—
        - “or
        - (c) a person receiving the daily living component of personal independence payment.”;
    - (c) in paragraph 14 (enhanced disability premium) for sub-paragraph (1) substitute—
      - “(1) Subject to sub-paragraph (2), the condition is that—
        - (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of

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(111) Schedule 1 was amended by regulation 19 of [S.R. 2006 No. 452](#), Article 24(4) of [S.I. 2013/3021](#) and regulation 20(2) of [S.R. 2015 No. 411](#)

the 1992 Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the 1992 Act;

- (b) armed forces independence payment is payable; or
- (c) the daily living component of personal independence payment is payable, or but for regulations made under Article 90 (care home residents) or Article 91(1) (hospital in-patients) of the 2015 Order, would be payable, at the enhanced rate prescribed under Article 83(2) of the 2015 Order,

in respect of the relevant person or a member of the relevant person's family, who is aged less than 60.”;

- (d) after paragraph 15(1)(c) (disabled child premium) add—

“or

- (d) is a young person who is in receipt of personal independence payment or who would, but for regulations made under Article 90 (care home residents) or Article 91(1) (hospital in-patients) of the 2015 Order, be so in receipt, provided that the young person continues to be a member of the family.”; and

- (e) in paragraph 16(2)(b) (carer premium) for “or the care component of a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act” substitute “, the care component of a disability living allowance at the highest or middle rate prescribed in accordance with section 72 of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with Article 83(3) of the 2015 Order”.

- (5) In Schedule 1A(112) (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit)—

- (a) in paragraph 7 (severe disability premium)—

- (i) in sub-paragraph (2)(a)(i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate prescribed in accordance with Article 83(3) of the 2015 Order”;

- (ii) in sub-paragraph (2)(b)(i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act” substitute “, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment prescribed in accordance with Article 83(3) of the 2015 Order at the standard or enhanced rate”;

- (iii) at the end of sub-paragraph (5)(a) omit “or”, and

- (iv) after sub-paragraph (5)(b) add—

“or

- (c) a person receiving the daily living component of personal independence payment prescribed in accordance with Article 83 of the 2015 Order at the standard or enhanced rate, if he would, but for regulations made under Article 90 (care home residents) or Article 91(1) (hospital in-patients) of the 2015 Order, be so in receipt.”;

- (b) for paragraph 8 (enhanced disability premium) substitute—

### “Enhanced disability premium

8. The condition is that—

- (a) in respect of a child or young person who is a member of the relevant person’s family—
  - (i) the care component of disability living allowance is, or would be, but for a suspension of benefit in accordance with regulations under section 113(2) of the 1992 Act or an abatement as a consequence of hospitalisation, payable at the highest rate prescribed under section 72(3) of that Act, or
  - (ii) the daily living component of personal independence payment is, or would be, but for regulations under Article 90 (care home residents) or Article 91(1) (hospital in-patients) of the 2015 Order, payable at the enhanced rate under Article 83(2) of that Order; or
- (b) armed forces independence payment is payable in respect of a young person who is a member of the relevant person’s family.”; and
- (c) in paragraph 9 (disabled child premium), after sub-paragraph (c) add—
  - “or
  - (d) is a young person who is in receipt of personal independence payment or who would, but for regulations made under Article 90 (care home residents) or Article 91(1) (hospital in-patients) of the 2015 Order, be so in receipt, provided that the young person continues to be a member of the family.”.

(6) In paragraph 5(**113**) of Schedule 3 (sums to be disregarded in the determination of income other than earnings) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.

### Amendment of the Travelling Expenses and Remission of Charges Regulations

27. In Table B of Schedule 1 to the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004(**114**) (modifications of the Income Support (General) Regulations (Northern Ireland) 1987), in column 2 of the entry relating to Schedule 2, in the entry relating to paragraph 13A(1)(b)—

- (a) omit “or” at the end of sub-head (ii); and
- (b) after sub-head (iii) add—
  - “or
  - (iv) in receipt of the daily living component of personal independence payment at the enhanced rate in accordance with Article 83(2) of the Welfare Reform (Northern Ireland) Order 2015 or would be in receipt of that component at that rate but for a suspension of benefit in accordance with regulations under Article 91(1) of that Order (hospital in-patients).”.

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(113) Paragraph 5 was amended by Article 24(6) of [S.I. 2013/3021](#)

(114) [S.R. 2004 No. 91](#); the entry relating to paragraph 13A(1) was inserted by regulation 4(b)(iii) of [S.R. 2009 No. 52](#) and substituted by Article 4(3) of [S.I. 2013/3021](#)

### **Amendment of the European Parliamentary Elections Regulations**

**28.** In Schedule 2 to the European Parliamentary Elections (Northern Ireland) Regulations 2004(**115**) (absent voters) after paragraph 4(4)(b) add—

“or

- (c) the application states that the applicant is in receipt of the enhanced rate of the daily living component or the enhanced rate of the mobility component (or both) of personal independence payment (payable under Articles 83(2) and 84(2) of the Welfare Reform (Northern Ireland) Order 2015) because of the disability specified in the application.”.

### **Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations**

**29.**—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(**116**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) after the definition of “the 2007 Act”(117) insert—

““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;”.

(3) In regulation 10(1A)(118) (deductions from an award of a funeral payment) after sub-paragraph (p) insert—

“(pa) personal independence payment under Part 5 of the 2015 Order;”.

### **Amendment of the Housing Benefit Regulations**

**30.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**119**) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 1950 Act” insert—

““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;”;

(b) for the definition of “the benefit Acts”(120) substitute—

““the benefit Acts” means the Act, the Jobseekers Order, the Welfare Reform Act, the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, the Pensions Act (Northern Ireland) 2015 and Part 5 of the 2015 Order;”;

(c) in the definition of “person who requires overnight care”(121)—

(i) omit “or” at the end of sub-paragraph (a)(ii),

(ii) after sub-paragraph (a)(ii) insert—

“(iia) is in receipt of the daily living component of personal independence payment in accordance with Article 83 of the 2015 Order, or”, and

(iii) in sub-paragraph (a)(iii) for “or (ii)” substitute “, (ii) or (iia)”; and

(d) after that definition insert—

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(115) S.I. 2004/1267; Schedule 2 was substituted by regulation 39 of, and Schedule 2 to, S.I. 2009/813 and paragraph 4(4) was amended by regulation 21(5) and (6) of S.I. 2013/2893 and Article 34 of S.I. 2013/3021

(116) S.R. 2005 No. 506; relevant amending Rules are S.R. 2013 No. 58, S.I. 2013/3021 and S.R. 2015 No. 411

(117) The definition of “the 2007 Act” was inserted by regulation 2(2) of S.R. 2013 No. 58

(118) Regulation 10(1A) was inserted by regulation 2(3)(b) of S.R. 2013 No. 58 and amended by Article 25(2) of S.I. 2013/3021 and regulation 22 of S.R. 2015 No. 411

(119) S.R. 2006 No. 405; relevant amending Rules are S.R. 2007 No. 154, S.R. 2008 No. 378, S.R. 2009 No. 92, S.R. 2010 No. 103, S.R. 2011 Nos. 51, 135 and 291, S.I. 2013/3021, S.R. 2014 No. 275, S.R. 2015 No. 411 and S.R. 2016 No. 55

(120) The definition of “the benefit Acts” was amended by regulation 3(2)(a)(iii) of S.R. 2008 No. 378, Article 26(2)(b) of S.I. 2013/3021 and Article 23(2) of S.R. 2015 No. 411

(121) The definition of “person who requires overnight care” was inserted by regulation 2(2)(a) of S.R. 2011 No. 51 and amended by Article 26(2)(c) of S.I. 2013/3021

““personal independence payment” means personal independence payment under Part 5 of the 2015 Order;”.

- (3) In regulation 25 (treatment of child care charges)—
- (a) after paragraph (11)(d)(vii)(**122**) add—
    - “(viii) personal independence payment;”;
  - (b) in paragraph (11)(e) for “or allowance to which head (ii), (iv), (v) or (vi)” substitute “, allowance or payment to which head (ii), (iv), (v), (vi) or (viii)”;
  - (c) omit “or” at the end of paragraph (13)(b)(**123**); and
  - (d) after paragraph (13)(c)(**124**) add—
    - “or
    - (d) in respect of whom personal independence payment is payable, or has ceased to be payable solely by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients).”.
- (4) In regulation 72 (non-dependant deductions)—
- (a) omit “or” at the end of paragraph (6)(b)(i)(**125**);
  - (b) after paragraph (6)(b)(ii) add—
    - “or
    - (iii) the daily living component of personal independence payment.”; and
  - (c) in paragraph (9)(a)(**126**) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (5) In regulation 73F(1)(**127**) (exception to the benefit cap: receipt of specified benefit)—
- (a) after sub-paragraph (e) insert—
    - “(ea) the claimant, the claimant’s partner or a young person for whom the claimant or the claimant’s partner is responsible, is receiving a personal independence payment;”;
  - (b) in sub-paragraph (g) for “(e) or” substitute “(e), (ea) or”; and
  - (c) after sub-paragraph (g)(iii) insert—
    - “(iv) that payment is not payable in accordance with regulations made under Article 90 or Article 91 of the 2015 Order;”.
- (6) In regulation 77(8)(**128**) (date on which change of circumstances is to take effect) for “or article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011” substitute “, article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 or Part 5 of the 2015 Order”.
- (7) In Schedule 4 (applicable amounts)—
- (a) in paragraph 7(2)(**129**) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal

(122) Head (vii) was added by regulation 3(9)(c)(iv) of S.R. 2008 No. 378

(123) Paragraph (13)(b) was substituted by regulation 5(2)(a) of S.R. 2014 No. 275

(124) Paragraph (13)(c) was amended by regulation 5(2)(b) of S.R. 2014 No. 275

(125) Paragraph (6) was amended by Article 26(4)(a) of S.I. 2013/3021 and regulation 5(3) of S.R. 2014 No. 275

(126) Paragraph (9)(a) was amended by Article 26(4)(b) of S.I. 2013/3021

(127) Regulation 73F was inserted by regulation 3(5) of S.R. 2016 No. 55

(128) Regulation 77(8) was amended by Article 26(5) of S.I. 2013/3021

(129) Paragraph 7(2) was amended by Article 26(6)(a) of S.I. 2013/3021

independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”;

- (b) in paragraph 13(1)(a)(**130**) (additional condition for the disability premium)—
- (i) in sub-head (i) after “disability living allowance,” insert “personal independence payment,”, and
  - (ii) after sub-head (iii) insert—
    - “(iiiia) was in receipt of personal independence payment that is no longer payable by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients);”;
- (c) in paragraph 14(**131**) (severe disability premium)—
- (i) in sub-paragraph (2)(a)(i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
  - (ii) in sub-paragraph (2)(b)(i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
  - (iii) in sub-paragraph (2)(b)(ii) after “allowance” in each place where it appears insert “or payment”,
  - (iv) in sub-paragraph (4)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”, and
  - (v) after sub-paragraph (5)(b) add—
    - “(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order, if he would, but for payment ceasing by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt.”;
- (d) in paragraph 15(1)(**132**) (enhanced disability premium) after head (b) add—
- “or
  - (c) the enhanced rate of the daily living component of personal independence payment is payable, or has ceased to be payable by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients), in respect of—
    - (i) the claimant, or

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(130) Paragraph 13(1)(a) was amended by Article 26(6)(b) of S.I. 2013/3021, regulation 5(4)(a)(i) of S.R. 2014 No. 275 and Article 23(4) of S.R. 2015 No. 411

(131) Paragraph 14 was amended by regulation 7(5) of S.R. 2007 No. 154, regulation 6(9)(c) of S.R. 2009 No. 92, regulation 9(3) of S.R. 2011 No. 291, Article 26(6)(c) of S.I. 2013/3021 and regulation 5(4)(b) of S.R. 2014 No. 275

(132) Paragraph 15(1) was substituted by regulation 3(17)(c) of S.R. 2008 No. 378 and amended by regulation 8(3)(b) of S.R. 2010 No. 103 and Article 26(6)(d) of S.I. 2013/3021

- (ii) a member of the claimant's family,  
who has not attained the qualifying age for state pension credit.”; and
- (e) in paragraph 16(**133**) (disabled child premium)—
  - (i) omit “or” after head (b), and
  - (ii) after head (c) add—
    - “or
    - (d) is a young person who is in receipt of personal independence payment or who would, but for payment ceasing by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients) be so in receipt, provided that the young person continues to be a member of the family.”.
- (8) In paragraph 7(**134**) of Schedule 6 (sums to be disregarded in the calculation of income other than earnings) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.

#### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations**

**31.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**135**) are amended in accordance with paragraphs (2) to (9).

- (2) In regulation 2(1) (interpretation)—
  - (a) after the definition of “the 1950 Act” insert—
    - ““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;”;
  - (b) for the definition of “the benefit Acts”(136) substitute—
    - ““the benefit Acts” means the Act, the Jobseekers Order, the State Pension Credit Act, the Welfare Reform Act, the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, the Pensions Act (Northern Ireland) 2015 and Part 5 of the 2015 Order;”;
  - (c) in the definition of “person who requires overnight care”(137)—
    - (i) omit “or” at the end of sub-paragraph (a)(ii),
    - (ii) after sub-paragraph (a)(ii) insert—
      - “(iia) is in receipt of the daily living component of personal independence payment in accordance with Article 83 of the 2015 Order; or”;
    - (iii) in sub-paragraph (a)(iii) for “or (ii)” substitute “, (ii) or (iia)”; and
  - (d) after that definition insert—
    - ““personal independence payment” means personal independence payment under Part 5 of the 2015 Order;”.

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(133) Paragraph 16 was amended by regulation 12(2)(b) of [S.R. 2011 No. 135](#), Article 26(6)(e) of [S.I. 2013/3021](#) and regulation 5(4)(c) of [S.R. 2014 No. 275](#)

(134) Paragraph 7 was amended by Article 26(7) of [S.I. 2013/3021](#)

(135) [S.R. 2006 No. 406](#); relevant amending Rules are [S.R. 2007 No. 154](#), [S.R. 2008 No. 378](#), [S.R. 2011 Nos. 51, 135, 291](#) and [357](#), [S.I. 2013/3021](#), [S.R. 2014 No. 275](#) and [S.R. 2015 No. 411](#)

(136) The definition of “the benefit Acts” was amended by regulation 4(2)(a)(iii) of [S.R. 2008 No. 378](#) and Article 27(2)(b) of [S.I. 2013/3021](#) and is amended by Article 24(2) of [S.R. 2015 No. 411](#)

(137) The definition of “person who requires overnight care” was inserted by regulation 3(2) of [S.R. 2011 No. 51](#) and amended by Article 27(2)(c) of [S.I. 2013/3021](#)

- (3) In regulation 27(1)(h) (meaning of “income”), after head (ia)(**138**) insert—  
“(ib) personal independence payment;”.
- (4) In regulation 29 (treatment of child care charges)—
- (a) after paragraph (11)(d)(vii)(**139**) add—  
“(viii) personal independence payment;”;
  - (b) in paragraph (11)(e) for “or allowance to which head (ii), (iv), (v) or (vi)” substitute “, allowance or payment to which head (ii), (iv), (v), (vi) or (viii)”;
  - (c) omit “or” at the end of paragraph (13)(b)(**140**); and
  - (d) after paragraph (13)(c)(**141**) add—  
“or  
(d) in respect of whom personal independence payment is payable, or has ceased to be payable solely by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients).”.
- (5) In regulation 53 (non-dependant deductions)—
- (a) omit “or” at the end of paragraph (6)(b)(i)(**142**);
  - (b) after paragraph (6)(b)(ii) add—  
“or  
(iii) the daily living component of personal independence payment.”; and
  - (c) in paragraph (10)(a)(**143**) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (6) In regulation 57(8)(**144**) (date on which change of circumstances is to take effect) for “or article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011” substitute “, article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 or Part 5 of the 2015 Order”.
- (7) In Schedule 4 (applicable amounts)—
- (a) for paragraph 5(2)(**145**) substitute—  
“(2) For the purposes of the carer premium under paragraph 9, a person shall be treated as being in receipt of a carer’s allowance under section 70 of the Act by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of—  
(a) armed forces independence payment;  
(b) attendance allowance;  
(c) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; or  
(d) the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order.”;

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(138) Head (ia) was inserted by Article 27(3) of [S.I. 2013/3021](#)

(139) Regulation 29(11)(d)(vii) was inserted by regulation 4(6)(c)(iii) of [S.R. 2008 No. 378](#)

(140) Paragraph (13)(b) was substituted by regulation 6(2)(a) of [S.R. 2014 No. 275](#)

(141) Paragraph (13)(c) was amended by regulation 6(2)(b) of [S.R. 2014 No. 275](#)

(142) Paragraph (6)(b) was amended by Article 27(5)(a) of [S.I. 2013/3021](#)

(143) Paragraph (10)(a) was amended by Article 27(5)(b) of [S.I. 2013/3021](#)

(144) Regulation 57(8) was amended by Article 27(6) of [S.I. 2013/3021](#)

(145) Paragraph 5(2) was amended by Article 27(7)(a) of [S.I. 2013/3021](#)

- (b) in paragraph 6(**146**) (severe disability premium)—
- (i) in sub-paragraph (2)(a)(i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
  - (ii) in sub-paragraph (2)(b)(i) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”,
  - (iii) in sub-paragraph (2)(b)(ii) after “allowance” in each place where it appears insert “or payment”,
  - (iv) in sub-paragraph (6)(a) for “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act” substitute “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order”, and
  - (v) after sub-paragraph (7)(b) add—
    - “(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order, if he would, but for payment ceasing by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt.”;
- (c) in paragraph 7 (enhanced disability premium) for sub-paragraph (1)(**147**) substitute—
- “(1) Subject to sub-paragraph (2), the condition is that—
- (a) in respect of a child or young person who is a member of the claimant’s family—
    - (i) the care component of disability living allowance is, or would be, but for a suspension of benefit in accordance with regulations under section 113(2) of the Act or but for an abatement as a consequence of hospitalisation, payable at the highest rate prescribed under section 72(3) of the Act, or
    - (ii) the daily living component of personal independence payment is payable, or has ceased to be payable by virtue of regulations under Article 91(1) of the 2015 Order (hospital in-patients), at the enhanced rate under Article 83(2) of that Order; or
  - (b) armed forces independence payment is payable in respect of a young person who is a member of the claimant’s family.”; and
- (d) in paragraph 8 (disabled child premium), after sub-paragraph (c)(**148**) add—

(**146**) Paragraph 6 was amended by regulation 8(3) of [S.R. 2007 No. 154](#), regulation 10(3) of [S.R. 2011 No. 291](#), Article 27(7)(b) of [S.I. 2013/3021](#) and regulation 6(3) of [S.R. 2014 No. 275](#)

(**147**) Paragraph 7 was amended by regulation 13(a) of [S.R. 2011 No. 135](#), regulation 20(8)(b) of [S.R. 2011 No. 357](#) and Article 27(7)(c) of [S.I. 2013/3021](#)

(**148**) Paragraph 8(c) was substituted by regulation 13(b) of [S.R. 2011 No. 135](#)

“or

- (d) is a young person who is in receipt of personal independence payment or who would, but for payment ceasing by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients) be so in receipt, provided that the young person continues to be a member of the family.”

(8) In paragraph 5(1)(a)(**149**) of Schedule 5 (sums disregarded from claimant’s earnings) after sub-head (vii) add—

“(viii) personal independence payment;”.

(9) In Schedule 7(**150**) (capital to be disregarded) after paragraph 21(2)(b) insert—

“(ba) personal independence payment;”.

### **Amendment of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order**

**32.**—(1) The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(**151**) is amended in accordance with paragraphs (2) and (3).

(2) In Article 20(1)(c)(iv) (mobility supplement) after “Act 2012” insert “or Article 84(2) of the Welfare Reform (Northern Ireland) Order 2015”.

(3) After Article 56(3)(h) (abatement of awards in respect of social security benefits) insert—

“(ha) the corresponding provisions of the Welfare Reform (Northern Ireland) Order 2015;”.

### **Amendment of the Gender Recognition (Application Fees) Order**

**33.** In paragraph 1(1) of the Schedule to the Gender Recognition (Application Fees) Order 2006(**152**)(remissions and part remissions) in sub-paragraph (m) of the definition of “excluded benefits” after “Act 2012” insert “or the Welfare Reform (Northern Ireland) Order 2015”.

### **Amendment of the Employment and Support Allowance Regulations**

**34.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**153**) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2(1) (interpretation)—

(a) before the definition of “Abbeyfield Home” insert—

““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;”;

(b) after the definition of “couple” insert—

““daily living component” means the daily living component of personal independence payment under Article 83 of the 2015 Order;”;

(c) after the definition of “period of study” insert—

““personal independence payment” means personal independence payment under Part 5 of the 2015 Order;”.

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(149) Paragraph 5(1)(a) was amended by regulation 4(12) of S.R. 2008 No. 378 and Article 27(8) of S.I. 2013/3021

(150) There are amendments to Schedule 7 which are not relevant to these Regulations

(151) S.I. 2006/606; Article 20(1)(c)(iv) and Article 56(3)(h) were inserted by paragraph 38(2) and paragraph 38(3) respectively of the Schedule to S.I. 2013/388

(152) S.I. 2006/758; the Schedule was inserted by Article 4(7) of, and the Schedule to, S.I. 2013/2302 and amended by Article 6(1) and (2) of S.I. 2014/590

(153) S.R. 2008 No. 280; relevant amending Rules are S.R. 2008 No. 413, S.R. 2010 No. 103, S.R. 2011 Nos. 357 and 368 and S.I. 2013/3021

(3) In regulation 18(**154**) (circumstances in which the condition that the claimant is not receiving education does not apply) for “or a disability living allowance” substitute “, disability living allowance or personal independence payment”.

(4) In regulation 158(3)(**155**) (meaning of “person in hardship”)—

- (a) in sub-paragraph (b) for “or the care component” substitute “, the care component or the daily living component”;
- (b) in sub-paragraph (c) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”;
- (c) in sub-paragraph (d)(i) for “or the care component” substitute “, the care component or the daily living component”; and
- (d) in sub-paragraph (d)(ii) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.

(5) In Schedule 4 (amounts)—

(a) for paragraph 4(2)(**156**) substitute—

“(2) For the purposes of the carer premium under paragraph 8, a claimant is to be treated as being in receipt of a carer’s allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of—

- (a) armed forces independence payment;
- (b) attendance allowance;
- (c) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Contributions and Benefits Act; or
- (d) the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order.”;

(b) in paragraph 6 (severe disability premium)—

- (i) in sub-paragraph (2)(a)(i)(**157**) after “the care component” insert “, the daily living component”;
- (ii) in sub-paragraph (2)(b)(i) after “the care component” insert “, the daily living component”;
- (iii) in sub-paragraph (2)(b)(ii) after “care component” in each place where it occurs insert “, the daily living component”;
- (iv) in sub-paragraph (4)(a)(**158**) after “attendance allowance” insert “, the daily living component”, and
- (v) after sub-paragraph (5)(b) add—

“(c) as being entitled to, and in receipt of, the daily living component if the person would, but for regulations under Article 91(1) of the 2015 Order (hospital in-patients), be so entitled and in receipt.”; and

(c) in paragraph 7(**159**) (enhanced disability premium)—

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(**154**) Regulation 18 was amended by Article 28(3) of [S.I. 2013/3021](#)

(**155**) Regulation 158(3) was amended by regulation 11(3) of [S.R. 2010 No. 103](#) and Article 28(4) of [S.I. 2013/3021](#)

(**156**) Paragraph 4(2) was amended by Article 28(5)(a) of [S.I. 2013/3021](#)

(**157**) Paragraph 6(2) was amended by regulation 21(14) of [S.R. 2011 No. 357](#), regulation 5(5)(b) of [S.R. 2011 No. 368](#) and Article 28(5)(b)(i), (ii) and (iii) of [S.I. 2013/3021](#)

(**158**) Paragraph 6(4) was amended by Article 28(5)(b)(iv) of [S.I. 2013/3021](#)

(**159**) Paragraph 7 was amended by Article 28(5)(c) of [S.I. 2013/3021](#)

- (i) omit “or” at the end of sub-paragraph (1)(aa), and
- (ii) after sub-paragraph (1)(b) add—
  - “or
  - (c) the daily living component is, or would, but for regulations made under Article 91(1) of the 2015 Order (hospital in-patients), be payable at the enhanced rate under Article 83(2) of that Order in respect of—
    - (i) the claimant, or
    - (ii) the claimant’s partner (if any) who is aged less than the qualifying age for state pension credit.”.
- (6) In Schedule 6 (housing costs)—
  - (a) in paragraph 15(11)(b)(**160**) (linking rules) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”; and
  - (b) in paragraph 19 (non-dependant deductions)—
    - (i) omit “or” at the end of sub-paragraph (6)(b)(i)(**161**),
    - (ii) after sub-paragraph (6)(b)(ii) add—
      - “or
      - (iii) the daily living component.”, and
      - (iii) in sub-paragraph (8)(a)(**162**) for “or disability living allowance” substitute “, disability living allowance or personal independence payment”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—
  - (a) in paragraph 8 after “disability living allowance” insert “or the mobility component of personal independence payment”; and
  - (b) in paragraph 11 for “or the care component of disability living allowance” substitute “, the care component of disability living allowance or the daily living component”.

### **Amendment of the Representation of the People Regulations**

**35.** In regulation 57(4) (additional requirements for applications on grounds of blindness or other disability) of the Representation of the People (Northern Ireland) Regulations 2008(**163**)—

- (a) omit “or” at the end of sub-paragraph (b)(ii); and
- (b) after sub-paragraph (b)(iii) insert—
  - “or
  - (iv) the enhanced rate of the daily living component or the enhanced rate of the mobility component (or both) of personal independence payment (payable under Articles 83(2) and 84(2) of the Welfare Reform (Northern Ireland) Order 2015),”.

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(**160**) Paragraph 15(11)(b) was substituted by regulation 3(30)(d) of [S.R. 2008 No. 413](#) and amended by Article 28(6)(a) of [S.I. 2013/3021](#)

(**161**) Sub-paragraph (6)(b) was amended by Article 28(6)(b)(i) of [S.I. 2013/3021](#)

(**162**) Sub-paragraph (8)(a) was amended by Article 28(6)(b)(ii) of [S.I. 2013/3021](#)

(**163**) [S.I. 2008/1741](#); regulation 57(4)(b) was substituted by regulation 6(6) of [S.I. 2010/278](#) and amended by Article 32 of [S.I. 2013/3021](#)

### **Amendment of the Education (Student Loans) (Repayment) Regulations**

36. In regulation 6(1) of the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009(164) (interpretation) in the definition of “disability-related benefit”, after “Order 2011,” insert “personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015.”.

### **Amendment of the Domestic Energy Efficiency Grants Regulations**

37. In regulation 5(4) of the Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2009(165) (persons to whom a grant may be made) after sub-paragraph (d) add—

- “(e) personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015.”.

### **Amendment of the Social Security (Contributions Credits for Parents and Carers) Regulations**

38. In regulation 2(1) (interpretation) of the Social Security (Contributions Credits for Parents and Carers) Regulations (Northern Ireland) 2010(166), in the definition of “relevant benefit”, after sub-paragraph (e) add—

- “(f) the daily living component of personal independence payment in accordance with Article 83 of the Welfare Reform (Northern Ireland) Order 2015.”.

### **Amendment of the Child Support Maintenance Calculation Regulations**

39. In regulation 63 (illness or disability of relevant other child) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012(167)—

- (a) in paragraph (2)(a)(i) for “or a disability living allowance” substitute “, disability living allowance or personal independence payment”;
- (b) omit “or” at the end of paragraph (2)(a)(ii);
- (c) after paragraph (2)(a)(iii) insert—
  - “or
  - (iv) that person would receive personal independence payment but for regulations under Article 91(1) of the Welfare Reform (Northern Ireland) Order 2015 (hospital in-patients), and remains part of the applicant’s family,”;
- (d) after paragraph (2)(e) add—
  - “(f) “personal independence payment” means the daily living component of personal independence payment under Article 83 of the Welfare Reform (Northern Ireland) Order 2015.”; and
- (e) in paragraph (3)(b) for “or a disability living allowance” insert “, a disability living allowance or personal independence payment”.

### **Amendment of the Civil Legal Services (Financial) Regulations**

40.—(1) The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015(168) are amended in accordance with paragraphs (2) and (3).

(164) S.R. 2009 No. 128; regulation 6(1) was amended by Article 8 of S.I. 2013/3021

(165) S.R. 2009 No. 195; regulation 5(4) was amended by Article 29 of S.I. 2013/3021

(166) S.R. 2010 No. 82; the definition of “relevant benefit” was amended by Article 30(2) of S.I. 2013/3021

(167) S.R. 2012 No. 427; regulation 63 was amended by Article 31 of S.I. 2013/3021

(168) S.R. 2015 No. 196

(2) In regulation 25 (disregards from income – certain welfare and other allowances, payments etc.) after sub-paragraph (a) insert—

“(aa) personal independence payment paid under Part 5 of the Welfare Reform (Northern Ireland) Order 2015;”.

(3) In regulation 36 (disregard of certain welfare and other allowances, payments etc.) after sub-paragraph (a) insert—

“(aa) personal independence payment paid under Part 5 of the Welfare Reform (Northern Ireland) Order 2015;”.

**Amendment of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations**

**41.** In regulation 4 of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations (Northern Ireland) 2016(**169**) (prescribed benefits)—

(a) omit “and” at the end of sub-paragraph (e); and

(b) after sub-paragraph (f) add—

“and

(g) personal independence payment under Part 5 of the 2015 Order.”.

Signed by authority of the Secretary of State for Work and Pensions

3rd May 2016

*Justin Tomlinson*  
Parliamentary Under Secretary of State,  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The provisions contained in these Regulations are consequential upon, or supplementary to, provisions in Part 5 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)).

Regulation 2 makes provision for adjusting personal independence payment where medical expenses are paid from public funds under war pensions instruments.

Regulation 3 provides exemptions to Regulation 2.

Regulation 4 amends the Disabled Persons (Badges for Motor Vehicles) Regulations (Northern Ireland) 1993 to provide that persons who score at least 8 points on the “moving around” activity of the assessment for the mobility component of personal independence payment may be issued with a badge in accordance with those Regulations. A further amendment also provides that the period of issue of a badge shall end on the date when the badge holder will cease to receive personal independence payment, where this is less than three years from the date of issue.

Regulations 5 to 41 ensure that appropriate references to personal independence payment are inserted to both primary and secondary legislation where there are references to disability living allowance.

An assessment of the impact of this instrument has been carried out. Copies of the impact assessment may be obtained from the Better Regulation Unit of the Department for Work and Pensions, 2D Caxton House, Tothill Street, London SW1 9NA. It is also available alongside this instrument and the Explanatory Memorandum on [www.legislation.gov.uk](http://www.legislation.gov.uk).